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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,295	09/25/2006	Jari Kuokkanen	129286	9100

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EXAMINER	
GHOWRWAL, OMAR J	
ART UNIT	PAPER NUMBER
2416	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,295	KUOKKANEN, JARI	
	Examiner	Art Unit	
	OMAR GHOWRWAL	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/31/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite a computer program product, however the specification at para. 0062 describes the product stored on a medium and the medium may be a signal. Under current Office policy a computer readable medium wherein the medium is disclosed in the specification as a signal is non-statutory subject matter. Furthermore, it is not clear that the stored program product is executed by a processor, only that it encodes a computer process.

Claim Objections

2. Claim 1 is objected to because of the following informalities: “the server” should be "the at least one server".

3. Claim 4 is objected to because of the following informalities: “terminal” should be “terminals”.

4. Claim 5 is objected to because of the following informalities: “the host computer” lacks proper antecedent basis, “the server” should be “the at least one server”.

5. Claim 8 is objected to because of the following informalities: “terminal” should be “terminals”.

6. Claim 9 is objected to because of the following informalities: “the host computer” lacks proper antecedent basis, “the server” should be “the at least one server”.

7. Claim 12 is objected to because of the following informalities: “terminal” should be “terminals”.

8. Claim 13 is objected to because of the following informalities: “the host means establish” should be “the host means establishes” also “the server” should be “the at least one server”, “and dynamically establish” should be “and dynamically establishes”.

9. Claim 14 is objected to because of the following informalities: “the host means dynamically establish” which should be " the host means dynamically establishes”.

10. Claim 15 is objected to because of the following informalities: "the host means are" should be “the host means is”.

11. Claim 16 is objected to because of the following informalities: “terminal” should be “radio means”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. **Claims 1, 3-5, 7-9, 11-13, 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0156549 A1 to *Binder et al.* (“*Binder*”) in view of U.S. Publication No. 2004/0003046 A1 to *Grabelsky et al.* (“*Grabelsky*”).

As to **claim 1**, *Binder* discloses a testing apparatus for radio network data connections (fig. 1), comprising:

at least two radio network terminals (fig. 1, item 24),

and a host computer (fig. 1, item 18), which is configured to establish, by means of the terminals, simultaneous data connections in accordance with the Transmission Control Protocol/Internet Protocol TCP/IP protocol or the User Datagram Protocol/Internet Protocol UDP/IP protocol to at least one server connected to the radio network (fig. 1, fig. 2, para. 0035, test engineer inputs commands to terminals, simultaneous data transmission from terminals are sent to application servers (fig. 2, 31), and they are sent using TCP/IP) and to measure each established data connection separately (para. 0044, application-specific event probe 3 extracts server side states and events, fig. 2, showing application servers as under test, i.e. each server is application specific, and are probed individually (they are not one server entity, meaning they are physically separate)), and to dynamically establish a dedicated unambiguous route for each data connection (fig. 1-2, showing unambiguous routes for each connection to servers established from test engineers inputs).

Binder does not expressly disclose *and to establish each data connection to a different public Internet Protocol IP address of the server* and to dynamically establish a dedicated unambiguous route for each data connection, *whereby the data connections to different IP addresses travel along different routes via different terminals and their air interfaces*.

Grabelsky discloses in fig. 2, para. 0034, 0039, a conference server 108 with multiple ports. Furthermore, each port represents different IP address/RTP port combinations from different devices. Each device travels via an unambiguous different route to reach the server 108, and devices may be wireless.

Binder and *Grabelsky* are analogous art because they are from the same field of endeavor with regards to data communications.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the various devices and IP addresses as taught by Grabelsky into the invention of Binder. The suggestion/motivation would have been to provide instant services in an IP network (Grabelsky, para. 0008).

As to claim 3, *Binder* and *Grabelsky* further disclose a testing apparatus according to claim 1, wherein the host computer is configured to establish the data connections as dial-up connections (Binder, para. 0034, devices are cellular phones (i.e. use dials to establish wireless connection, Grabelsky, fig. 2, devices connecting to server are SIP and mobile phones). In addition, the same suggestion/motivation of claim 1 applies.

As to claim 4, *Binder* and *Grabelsky* further disclose a testing apparatus according to claim 1, wherein the data connections established by the terminal comprise at least one of the following: data connections of one operator implemented by the same data transfer technique (Binder, fig. 1, para. 0035, data sent to servers is done though a router using TCP/IP), data connections of one operator implemented by different data transfer techniques, data connections of different operators implemented

by the same data transfer techniques , data connections of different operators implemented by different data transfer techniques (Grabelsky, fig. 2, different end devices travel though different operators with different data transfer techniques, i.e. RAS, PSDN). In addition, the same suggestion/motivation of claim 1 applies.

As to **claim 5**, see similar rejection for **claim 1**. The apparatus teaches the method.

As to claim 7, see similar rejection for claim 3. The apparatus teaches the method.

As to claim 8, see similar rejection for claim 4. The apparatus teaches the method.

As to **claim 9**, see similar rejection for **claim 1**. The apparatus teaches the process.

As to claim 11, see similar rejection for claim 3. The apparatus teaches the process.

As to claim 12, see similar rejection for claim 4. The apparatus teaches the process.

As to **claim 13**, see similar rejection for **claim 1**. The apparatus teaches the arrangement.

As to claim 15, see similar rejection for claim 3. The apparatus teaches the arrangement.

As to claim 16, see similar rejection for claim 4. The apparatus teaches the arrangement.

14. **Claims 2, 6, 10, 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0156549 A1 to *Binder et al*. ("*Binder*") and U.S. Publication No. 2004/0003046 A1 to *Grabelsky et al*. ("*Grabelsky*") and in further view of U.S. Patent No. 6,370,592 B1 to *Kumpf*.

As to claim 2, *Binder and Grabelsky* further disclose a router (Binder, fig. 1, item 2, off-the-shelf router).

The Examiner takes official notice that routing tables are well known in the art and that routing tables allow for data to efficiently transmit data to destinations.

It would have obvious to one of ordinary skill of the art to modify Binder and Grabelsky to include a routing table in order to efficiently transmit data to destinations.

Binder and Grabelsky do not expressly disclose a testing apparatus according to claim 1, wherein the host computer is configured to dynamically establish a dedicated unambiguous route for each data connection by defining a dedicated socket, netmask and gateway for each different IP address in a routing table.

Kumpf discloses a management information base MIB for an I/O device that comprises the socket, subnet mask, and gateway address. Peripheral equipment 33 is expected to know how to interpret values, i.e. take to be a table, (since it knows how to interpret, it must have a list of commands associated with values) that understands how to route like router of Binder based on different IP addresses of users of Grabelsky (col. 36, lines 28-42, table 55).

Binder, *Grabelsky, and Kumpf* are analogous art because they are from the same field of endeavor with regards to data communications.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to incorporate the socket, subnet mask, and gateway address as taught by Kumpf into the invention of Binder and Grabelsky. The suggestion/motivation would have been to provide peripheral equipment with values of the I/O device (Kumpf, col. 36, lines 28-42).

As to claim 6, see similar rejection for claim 2. The apparatus teaches the method.

As to claim 10, see similar rejection for claim 2. The apparatus teaches the process.

As to claim 14, see similar rejection for claim 2. The apparatus teaches the arrangement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR GHOWRWAL whose telephone number is (571)270-5691. The examiner can normally be reached on Monday-Thursday, 8:00am-5:00pm est..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on (571)272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. G./
Examiner, Art Unit 2416

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 2416